



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

August 25, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of North Bend Plan Amendment
DLCD File Number 003-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 8, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

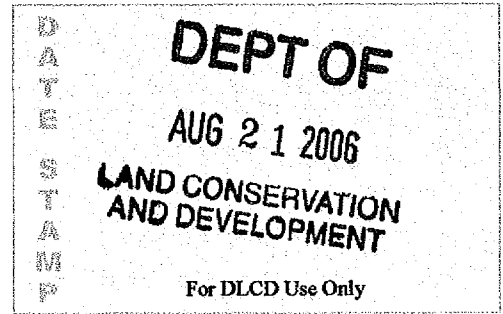
Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Steven Santos, DLCD Economic Development Planning Specialist
Dave Perry, DLCD Regional Representative
David K. Voss, City of North Bend

<paa> ya/



2 Notice of Adoption

THIS FORM **MUST BE MAILED TO DLCD**
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of North Bend Local file number: N/A

Date of Adoption: 8/8/2006 Date Mailed: 8/18/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 5/31/2006

- | | |
|---|--|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Remove water-dependent designation from @72 acres of site, redesignate lagoon area as conservation, and remove Exception #3 of the CBEMP, and apply conservation shoreline designation on a 50-foot edge buffer.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: 48 UW, 48A DA to: 48 CS (strip), 48A CA

Zone Map Changed from: same as above to: same as above

Location: North Point-btwn RR and US 101 Acres Involved: +/- 100

Specify Density: Previous: no change in base zone New: manufacturing

Applicable Statewide Planning Goals: 16 & 17

Was and Exception Adopted? YES NO

DLCD File No.: 003-06(15275)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

International Port of Coos Bay

Local Contact: **David K. Voss, AICP** Phone: **(541) 756-8535** Extension:

Address: **850 California/ PO Box B** City: **North Bend**

Zip Code + 4: **97459-14** Email Address: **planner@uci.net**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to **8-1/2x11 green paper only**; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1953

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION AND THE ZONING MAP FOR CERTAIN PROPERTY DESCRIBED HEREIN, TEXT AMENDMENTS TO THE CITY COMPREHENSIVE PLAN, AND MAP AND TEXT AMENDMENTS TO THE COOS BAY ESTUARY MANAGEMENT PLAN WITHIN THE CITY LIMITS.

THE CITY OF NORTH BEND ORDAINS AS FOLLOWS:

Section 1. The City of North Bend finds as follows:

1. An application to amend the Comprehensive Plan Map, the Zoning Map, Comprehensive Plan text, and the Coos Bay Estuary Management Plan map and text pertaining to certain areas within the City has been submitted by John Foss, Managing Agent for the Al Pierce Company, owners of the subject property.
2. Notice of the Comprehensive Plan Amendments and Zone Change was mailed to the Oregon Department of Land Conservation and Development (DLCD) on May 30, 2006. A letter responding to the application was received from David Perry, DLCD South Coast Regional Representative concerning the application and dated June 16, 2006. The comments and information were found to be addressed by the application proposals.
3. Notice was mailed to affected property owners on June 26, 2006. Said notice identified the subject property, applicable criteria, time, date and location of the public hearings and information concerning testimony and appeals.
4. Proper notice was published as required by law.
5. A public hearing was held by the City Planning Commission on July 17, 2006 and the Planning Commission made a unanimous recommendation to approve the request subject to the following condition:

" The Plan amendment and zone change will become effective upon co-adoption by Coos County of a "Option B" consolidated Coos Bay Estuary water dependent shoreland inventory in accordance with Goal 17 Water Dependent Shorelands Administrative Rule OAR 660-037-0060."
6. The City Council held a public hearing on August 8, 2006 at which time the City Council approved the requested Comprehensive Plan Map changes and text amendments, the Zoning Map change, and the Coos Bay Estuary Management Plan map and amendments, based on the information contained in the submitted application, the staff report, the Planning Commission recommendation and evidence submitted by the applicant.

Section 2. The Council of the City of North Bend hereby declares that:

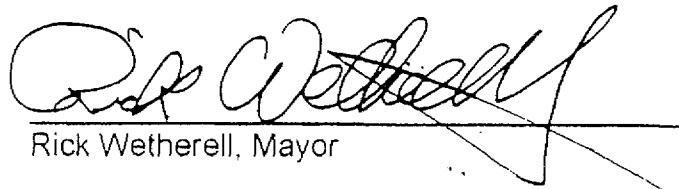
1. The Comprehensive Plan Map shall be amended to reflect the following changes:
 - A. The land use designation overlay 48 UW Urban Water-dependent shall be removed from the Map entirely.
 - B. The land use designation overlay 48A DA Development Aquatic shall be removed and replaced by the new overlay designation 48A CA Conservation Aquatic.
 - C. A new land use designation 48 CS Conservation Shoreland shall be applied to the shoreline area in a continuous strip of 50 feet in width, extending in from the areas designated as "Conservation" overlays.

2. The Comprehensive Plan text shall be amended to include:
 - A. New language and inventory information for Chapter 12 Coastal Element and Chapter 13 Land Use shown in *italics* and to remove language shown in "~~strikethrough~~" in Exhibits "A" and "B" of this Ordinance.
 - B. The text of the new Estuary management units 48A CA Conservation Aquatic and 48 CS Conservation Shorelands, attached as Exhibits "C" and "D," respectively.

3. The Zoning Map shall be amended to implement overlay zones corresponding to the changes in the proposed overlay designations listed above.

These changes shall become effective thirty (30) days from adoption upon co-adoption by Coos County of a "Option B" consolidated Coos Bay Estuary water dependent shoreland inventory in accordance with Goal 17 Water Dependent Shorelands Administrative Rule OAR 660-037-0060.

Passed and enacted by the Council of the City of North Bend August 8, 2006.


Rick Wetherell, Mayor

ATTEST:


Angie Kellar, City Recorder

EXHIBIT "A"

CHAPTER XII – PLAN ELEMENT – COASTAL

Article 12.1.100 – Introduction:

The City of North Bend has jurisdiction over a small portion of the Coos Bay Estuary within its City Limits. While there are many issues pertaining to portions of the estuary and estuarine shore lands within North Bend, these issues must be discussed while considering the needs of the Coos Bay Estuary as a whole.

Article 12.2.100 – Summary:

The Coos Bay Estuary has been designated as a deep-draft development estuary. The Oregon International Port of Coos Bay is the second largest deep-draft port in Oregon. It provides shipping access to the Bay Area, which is comprised of North Bend, Coos Bay and Charleston.

Pony Slough is located directly east of the airport. Generally, Pony Slough is made up of tide flats and is edged by salt marshes. The largest marshes are located on the west side of the slough. A narrow strip of marsh also grows along the east side. Most of the upland is urban with some forested area along the eastern boundary. Portions of Pony Slough are considered to be important for biological productivity and fish and wildlife habitat. These portions have been designated as natural and conservation management units in the Coos Bay Estuary Management Plan.

The shoreline is basically undeveloped from the mouth of Pony Slough to the east around North Point. This area is zoned for heavy manufacturing, but is not suitable for water-dependent use. Currently, the only access to the North Point area is one public road. There is also a problem with access from the navigation channel due to strong currents and eddies. Shoaling is also occurring in the North Point area because of the proximity to the mouth of Pony Slough and

Haynes Inlet, and because it is on the inside turn of Coos Bay where water flow velocity is slower. *Because of this, the City has removed the water-dependent designation on the upland portions of North Point, and adopted new conservation designations (48A CA Conservation Aquatic and 48 CS Conservation Shoreland) for the lagoon and shoreland to comply with the Goal and Policy 3 of this Plan Element.*

The remainder of North Bend's shoreline consists of a narrow strip of land along the City's eastern waterfront. Much of this area has been developed for water-dependent, water-related facilities, and the navigation channel lines the shoreline. It is accessible to railroad and highway transportation. This area seems to be well suited for water-dependent uses, water-related uses and water-oriented uses of a commercial or industrial nature. An inventory of the water-dependent land within the jurisdiction of North Bend has determined an excess amount of water-dependent land. Therefore, the City has created a new Urban Non-Water-Dependent (UNW) designation for the area between California Avenue and Washington Avenue. This area will be managed to allow mixed uses and the implementation of the North Bend Downtown Waterfront Plan.

Article 12.3.100 -- **Problems and Planning Issues:**

1. The railroad bridge is a hazard to navigation. This is due to limitation of vessel movements related to the restricted horizontal clearance of the railroad bridge.
2. Although the area between the railroad bridge and the McCulloch Bridge, known as North Point, is a shoreland area, it is not considered to be suitable for a water-dependent use. This is because of poor access from the land and navigation channel due to strong currents and eddies and the occurrence of shoaling. *For these reasons, the City has removed the Urban Water-dependent designation from the upland portions, and created new conservation management units, 48A CA Conservation Aquatic and 48 CS Conservation Shoreland, for the 50-foot shoreland strip to comply with the Goal and Policy 3 of this Coastal Element.*

3. Planning decisions for North Bend's estuarine and shoreland areas must consider the Coos Bay Estuary as a whole.
4. There is a general lack of areas that provide access to the estuary for purposes of public enjoyment.
5. In accordance with Coastal Shorelands Uses Requirement 3, the City of North Bend has determined an area that is suitable for redevelopment and has created a new management unit 44-UNW, Urban Non-Water Dependent.
6. *Exception #3 of the Coos Bay Estuary Management Plan, allowing for the filling of the lagoon at North Point, is no longer viable. It has been removed so that the lagoon will have a conservation aquatic designation consistent with the adjacent conservation aquatic and shoreland designations applied to abutting estuarine waters and shorelands.*

Article 12.4.100 – **Goal**:

The appropriate conservation, protection and development of North Bend's estuary and shoreland resources.

Article 12.5.100 – **Policies**:

1. The City of North Bend shall implement and administer the Coos Bay Estuary Management Plan (CBEMP) within the City of North Bend.
2. North Bend will amend, as necessary, the Coastal Element of the City's Comprehensive Plan to be consistent with the overall Coos Bay Estuary Plan.
3. In accordance with CBEMP policy #23, North Bend shall strive to maintain riparian vegetation within the shore lands of the estuary, and where appropriate, restore or

enhance it, as consistent with water-dependent uses. The local government shall also encourage use of tax incentives to encourage maintenance of riparian vegetation, pursuant to ORS 308.792 – 398.803.

4. The City shall also encourage stream bank stabilization for the purpose of controlling stream bank erosion along the estuary, subject to other policies in the CBEMP concerning structural and stabilization measures.

Article 12.6.100 – **Implementation Requirements:**

1. The Coos Bay Estuary Management Plan has been designed to provide coordinated management within the Estuary. The Cities of North Bend and Coos Bay and Coos County have adopted the CBEMP as part of their respective comprehensive plans. The City of North Bend will follow the implementation strategies, policies and allowable uses outlines in the Coos Bay Estuary Management Plan.
2. Maintain the minimum regional thresholds of water-dependent lands within the Coos Bay Estuary to comply with Goal 17 requirements as currently set forth *below in Table 12.6.100.2, City of North Bend Shorelands Inventory* of the North Bend Comprehensive Plan and the Coos Bay Estuary Management Plan.

TABLE 12.6.100.2. CITY OF NORTH BEND SHORELANDS INVENTORY

City of North Bend CBEMP UW Inventory 8/19/03				
Tax Lot (T-R-S)	Area (acres)	Ownership	Zone	Class
#200 (25-13-22AD)	1.56	Port of CB	44UW	WD
#2700 (25-13-22AD)	6.23	Or. Chip Term.	44UW	WD
#100 (25-13-15AA)	2.79	Ocean Terminals	44UW	WD
#600 (25-13-10)	12.97	Ocean Terminals	44UW	WD
#500 (25-13-10)	9.18	Simpson LLC	44UW	WD
#200 (25-13-15AA)	0.7	NB UR Agency	44UW	WD
Total WD Inventory	33.43		44UW	WD
Tax Lot (T-R-S)	Area (acres)	Ownership	Zone	Class
#200 (25-13-22AA)	8.93	Mill Casino	44UW	FWD
#201 (25-13-22AA)	0.58	Weyerhaeuser	44UW	FWD

#100 (25-13-15)	53.39	Weyerhaeuser	44UW	FWD
Note: 4.63 acres of this parcel were rezoned to UNW				
Total FWD Inventory	62.9			
Tax Lot (T-R-S)	Area (acres)	Ownership	Zone	Class
#9600 (25-13-22AA)	0.41	Dedicated Fuel Inc.	44UW	NWD
#3000 (25-13-15AA)	0.53	Deathridge	44UW (UNW)	NWD
#3100 (25-13-15AA)	0.57	Amerigas	44UW (UNW)	NWD
#4600 (25-13-15AA)	0.93	SP Rail	44UW (UNW)	NWD
#2800 (25-13-15AA)	0.92	Kyle	44UW (UNW)	NWD
#2700 (25-13-15AA)	0.4	Jones Stevedoring	44UW (UNW)	NWD
#2600 (25-13-15AA)	1.29	SP Rail	44UW (UNW)	NWD
#100 (25-13-10)	30.72	LTM	47UW	NWD
#1000 (25-13-10)	65.2	AI Pierce Co.	48UW	NWD
#1100 (25-13-10)	6	AI Pierce Co.	48UW	NWD
Total NWD Inventory	106.97			
<p>Note: WD = currently used for water-dependent uses. FWD = former water-dependent use w/existing facilities. NWD = either no water-dependent use or no facilities.</p> <p>Required Protected Inventory (WD + FWD) = 96.33 acres Available Inventory (NWD) = 106.97 acres (based on 2001 data)</p> <p>Note: Tax lot acreage that contains shoreland and aquatic zoning has been adjusted to reflect just the shoreland acreage by subtracting the aquatic acreage. Tax Lots with (UNW) reflect the downtown waterfront properties that were rezoned to allow nonwater-dependent uses (4.64 acres). 4.64 acres of Weyerhaeuser tax lot #100 (25-13-15) was also rezoned to UNW.</p> <p>The total amount of available (vacant) shoreland that is currently designated for water-dependent uses is: 106.97 - (4.64 UNW+4.63UNW) = 97.70 acres.</p>				

3. *The City of North Bend will cooperate with Coos County and the City of Coos Bay in managing the combined Estuary-wide Inventory of water-dependent land for the Estuary as a whole. Changes to the Inventory shall be registered upon adoption by participating jurisdictions to ensure the Inventory remains accurate.*

TABLE 12.6.100.3 ESTUARY-WIDE INVENTORY OF WATER-DEPENDENT LAND

<i>Acreage Available and Zoned for Water-Dependent Use and Acreage to be Protected for Water-Dependent Use on the Coos Bay Estuary</i>			
Jurisdiction	Acreage Available and Zoned for Water-Dependent Use	Acreage to be Protected for Water-Dependent Use	Date of Data
Unincorporated Coos County	1,440.50 acres	496.52 acres	January 1, 2000
City of North Bend	97.70 acres	91.68 acres	August 19, 2003
City of Coos Bay	106.83 acres	76.18 acres	January 1, 2000
*Combined Inventory for the Coos Bay Estuary on an Estuary-Wide Basis prior to removal of Al Peirce Co. acreage	*1,645.03 acres		
	<i>*71.2 acres proposed to be removed by Al Peirce Co.</i>		
Combined Inventory for the Coos Bay Estuary on an Estuary-Wide Basis	1,573.83 acres	664.38 acres	Date of Approval of this Amendment: _____
<i>* Information shown in italics is for clarification of information, and is not Text Amendment language.</i>			

EXHIBIT “B”

CHAPTER X111 – PLAN ELEMENT – LAND USE

Article 13.1.100 – Introduction:

The City of North Bend has operated for over 40 years with a land use plan, zoning ordinance and subdivision ordinance. Because each was an integral part of the City’s whole land use planning program, they worked well together. Thus, the actual land use and the resulting zone maps are quite similar.

During the original planning process, the Citizen Advisory Committee indicated that they did not desire wholesale changes in the land use patterns of the City. Actual changes in land use designations occurred only in a few areas, and these were necessary to alleviate existing or potential problems.

Article 13.2.100 – Summary:

In the 40 years since the City of North Bend developed the 1959 Master Plan, three major commercial areas have developed in conformance with that plan. These areas are the Pony Village Shopping Center located on Virginia Avenue adjacent to Pony Slough, the Public Square Shopping Center on Newmark and the Airport Business Park on Colorado Avenue. The development of Pony Village and Public Square has promoted additional commercial development along Virginia Avenue, along Broadway, which connects the commercial areas, and at the intersection of Broadway and Newmark, which has a significant concentration of “fast-food” establishments. These commercial areas compliment the older, established commercial area along Sherman Avenue, as well as the neighborhood commercial areas.

The Sherman Avenue area is considered the Central Business District (CBD), which is receiving renewed attention to its development needs. It is expected that patterns of commercial development will continue to be focused on Pony Village, Public Square Center, along Virginia,

along Broadway and at the intersection of Broadway and Newmark. It is also expected, however, that much greater focus will be placed on the Sherman Avenue area Central Business District to revitalize and restore the commercial character of the "downtown." The development of the waterfront area between California Avenue and Washington Avenue will be a major component in the continued development and rejuvenation of the central business district.

The city continues to maintain an industrial base along the Bay between Highway 101 and the shore land. The City has recognized the need for economic diversification and growth by supporting the development of the industrial business park adjacent to the municipal airport. In addition, the City has looked outward to its relative position in the Bay Area and Southwest Oregon by encouraging appropriate industrial siting on portions of the North Spit across the Bay from the City.

Residential growth increased significantly in the late 1970s, with major development occurring in the vicinity of the Airport and in the northwestern portion of the City. Simpson Heights continues to be a stately residential area with self-imposed limits on its development. Yet, the City has aggressively recognized the diversity of housing needs, as it is the only city in Southwest Oregon with its own Housing Authority. Among the outstanding achievements of the North Bend City Housing Authority are the Senior Citizen Housing Complex on Monroe and the low-income housing on Virginia.

With areas designated for higher density residential and with increasing access for manufactured housing, housing mix is provided.

Major open space areas are provided in the Pony Creek area, the Pony Slough area, and several City parks and by the Estuary itself.

Key public facilities are incorporated within other major use areas, with the Airport protected within an industrial area, municipal buildings within commercial areas, and schools within the residential areas. Tracts owned by the school district for future expansion are within areas experiencing residential growth.

Given the relatively fixed boundary of the City, due to its being surrounded by water and the City of Coos Bay, the land use planning projections for the City indicate a continual harmony of uses that were fostered by the 1959 Master Plan.

Article 13-3.100 – **Goal**:

A continued land use planning process and policy framework to maintain and enhance the harmonious mixture of urban land uses within the City.

Article 13.4.100 – **Objectives**:

1. To provide adequate land areas for the following uses:
 - A. Industrial
 - B. Commercial
 - C. Neighborhood Commercial
 - D. High-Density Residential
 - E. Low-Density Residential
 - F. Parks and Open Space
2. To provide for implementation of the Comprehensive Plan through ordinances, capital improvement programming, special area plans and other implementing activities that are in conformance with the Comprehensive Plan.
3. To maintain and update periodically the Comprehensive Plan by assessing the current status of the inventories, plan provisions, and implementing ordinances.
4. To foster an issue-oriented, problem-solving approach to ongoing City planning through the development of special areas or special function plans, such as the Airport Master Plan and Traffic Circulation/Traffic Safety Plan.

Article 13.5.100 – **Policies**:

1. The Comprehensive Plan shall be the governing document establishing guidelines for all growth, development, land use and implementing activities by the City of North Bend.
2. The Comprehensive Plan revisions, updates and changes shall occur with citizen input and shall occur based on the planning principles set forth in this Plan.
3. The City shall coordinate, as appropriate, land development and estuarine uses with Coos County and the City of Coos Bay so that area wide economic and resources may be met.
4. The City shall recognize the statutory and regulatory authority of other governmental jurisdictions in relationship to the land and estuarine areas of the City, but shall expect all actions and activities of such authorities to comply with the provisions and standards of the City's Comprehensive Plan.
5. The City shall cooperate with Coos County, the City of Coos Bay and the Oregon International Port of Coos Bay in regards to industrial land allocations, recognizing that industrial land allocations are fulfilled on a regional basis.
6. The City recognizes minimum regional industrial land needs thresholds as set forth in the Bay Area Comprehensive Economic Analysis and the Bay Area Industrial Lands Cooperative Planning Agreement.
7. The City, *in cooperation with Coos County and/or the City of Coos Bay*, shall maintain water-dependent thresholds established in the shore lands inventory of the Coos Bay Estuary Management Plan ~~amendment as adopted per City Ordinance number 1889 and 1890~~ *presented in Chapter 12, the Coastal Element of this Plan.*

Article 13.6.100 – **Recommended Strategies for Implementation:**

1. Monitor the programs and activities of state and federal agencies to ensure conformance with the Comprehensive Plan.
2. Identify and seek funding resources to implement provisions of the Plan as appropriate.
3. Participate in County and regional planning processes to ensure that the needs of the City of North Bend are being met.
4. Coordinate activities with Coos County, the City of Coos Bay and the Oregon International Port of Coos Bay to promote economic and resource development in the interest of a balanced community.
5. Maintain active dialogue with School District #13 to ensure that land use and development activities are compatible with educational land uses and safety.
6. Monitor programs of the Coos Bay-North Bend Water Board to ensure coordination with municipal services and to ensure long-range water resource development.
7. Review the City of North Bend's Comprehensive Plan as necessary and update as necessary to promote the Plan's continued conformity to the needs and desires of the City's residents.
8. Maintain an accurate, up-to-date inventory of publicly owned lands to promote wise use, trade-offs and, as appropriate, conversion to private use.
9. Participate in regional efforts to assure appropriate use of commercial/industrial properties in the future.

Article 13.7.100 – **Land Use Classifications;**

The Comprehensive Plan delineates six general land use classifications. The estuarine management units and uses are set forth in the Coastal Element. The classifications are applied to appropriate areas within the City and are illustrated on the official Comprehensive Plan Land Use Map and the official Zone Map. The Classifications are described as follows:

Section 13.7.102 – **Industrial**

Purpose: To provide adequate, suitable area for existing and future industrial, manufacturing and commercial uses in areas that have access to transportation, public services and utilities.

Appropriate Areas: These uses and developments are best suited in areas that have limited effect on adjacent uses. Such areas should have the potential for transportation service, adequate access, public facilities and utility extensions.

Section 13.7.103 – **Commercial**

Purpose: To provide adequate land areas for commercial and community support services.

Appropriate Areas: The existing commercial areas need protection. As well as ensuring that new commercial activities have the availability of public services, the areas for further commercial development must be located on street systems that have a larger traffic volume capacity, adequate areas for parking and adequate pedestrian access. Neighborhood commercial uses need to be located in areas that promote good traffic patterns and minimize conflicts.

Section 13.7.104 – **High-Density Residential:**

Purpose: To provide for mixed housing types and to promote availability of residential uses for a diversity of income and age groups.

Appropriate Areas: Established mixed residential areas, areas adjacent to commercial areas, and areas with good traffic circulation patterns can accommodate a higher density level without limiting the livability of a neighborhood.

Section 13.7.105 – **Low-Density Residential:**

Purpose: To provide adequate areas for conventional housing and for general neighborhood situations.

Appropriate Areas: Areas that are separated from more intensive uses are the most suitable for this residential character. Land availability, however, can limit the separation from apparent, more intense uses.

Section 13.7.106 – **Parks / Open Spaces:**

Purpose: To maintain an attractive environment for urban uses as well as providing diversity of visual appearances; to provide areas for outdoors and recreation activities.

Appropriate Areas: Areas that are not developed for more intense land uses and that are distributed throughout the more intense areas of use.

Section 13.7.107 – **Neighborhood Commercial:**

Purpose: To provide neighborhood grocery services.

Appropriate Areas: Areas within residential neighborhoods and along arterials are appropriate locations for this use.

EXHIBIT "C"

AQUATIC SEGMENT 48A

Management Classification: CA

BOUNDARIES:

This segment consists of the triangular lagoon between the two dredged material disposal sites at North Point, known as East Pony Slough or the North Point Properties.

MANAGEMENT OBJECTIVE:

This aquatic segment shall be managed to create a seamless aquatic designation from the water segment into the lagoon, and to allow the necessary dredging and fill for construction of a road with culverts or a bridge over the lagoon so that the portion of the North Point property that lies west of the lagoon can gain road access from the east side.

USES AND ACTIVITIES

1. Undeveloped low-intensity water-dependent recreation	A
2. Research and educational observations	A
3. Navigation aids, such as beacons and buoys	A
4. Protection of habitat, nutrient, fish, wildlife and aesthetic resources	A
5. Passive restoration measures	A
6. Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge support structures	A
7. Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values; and public facilities	A
8. Bridge crossings	A
9. Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks	A
10. Communication facilities	A
11. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement	A
12. Boat ramps for public use where no dredging or fill for navigational access is needed	A
13. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation	A
14. Installation of tidegates in existing functional dikes	A
15. Temporary alterations	*

16. Bridge crossing support structures including box culverts for the roadway over the lagoon, and dredging necessary for their installation	A
17. High-intensity water-dependent recreation, including boat ramps, marinas and new dredging for boat ramps and marinas	*
18. Minor navigational improvements	*
19. Mining and mineral extraction, including dredging necessary for mineral extraction	*
20. Other water dependent uses requiring occupation of water surface area by means other than dredge or fill	*
21. Aquaculture requiring dredge or fill or other alteration of the Estuary	*
22. Active restoration for purposes other than boat ramps for public use where no dredging or fill for navigational access is needed	*
23. Temporary alterations	*

* Conditions under which Uses and Activities are allowed: A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

EXHIBIT "D"

SHORELAND SEGMENT 48

Management Classification: CS

BOUNDARIES:

This segment consists of a 50-foot strip along the water's edge of the two dredged material disposal areas at North Point, between McCullough Bridge and the railroad bridge at North Point, known as East Pony Slough or the North Point Properties.

MANAGEMENT OBJECTIVE:

This shoreland segment shall be managed to provide open space and enhance recreational and aesthetic uses while protecting scenic and riparian values, natural and cultural resources, and economic resources to maintain diverse environmental, economic and social values of the region.

USES

1. Agriculture	N
2. Airports	N
3. Aquaculture	N
4. Dryland moorage	N
5. Industrial and port facilities	N
6. Land transportation facilities	N
7. Log storage/sorting yard (land)	N
8. Marinas	N
9. Mining/mineral extraction	N
10. Recreational facilities	
a. Low-intensity	A
b. High-Intensity	A
11. Residential	N
12. Solid waste disposal	N
13. Timber farming/harvesting	N
14. Utilities	
a. Low-intensity	A
b. High-intensity	N

ACTIVITIES

1. Stream alteration	N
2. Dikes	
a. New construction	N
b. Maintenance/repair	N
3. Dredged material disposal	N
4. Excavation to create new water surface	N
5. Fill	*
6. Shoreline stabilization	
a. Vegetative	A
b. Rip-rap	*
c. Retaining wall	*
7. Navigational aids	A
8. Mitigation	A
9. Restoration	
a. Active	*
b. Passive	A
10. Land divisions	A

GENERAL CONDITIONS

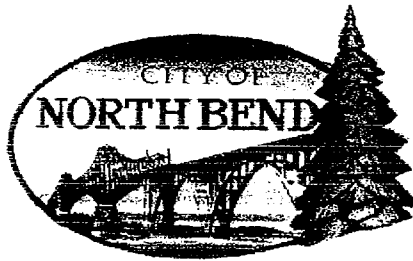
The following conditions apply to all permitted uses and activities:

1. Inventoried resources requiring mandatory protection in this segment shall be protected, as required by Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23 requiring protection of riparian vegetation.
3. All permitted uses in dune areas shall be consistent with the requirements of Policies #30 and #31.

SPECIAL CONDITIONS

Activities

5. Fill is allowed only within that part of this segment adjacent to the lagoon, for the purpose of creating a road access over the lagoon to join the east and west parts of the property adjacent to the lagoon.
6. (b) & (c) These activities are only permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems."
9. (a) Active restoration shall be allowed only when consistent with Policy #22b, "Limiting Dredge and Fill as Estuarine Restoration."



City of North Bend

Planning Department, P.O. Box B, North Bend, OR 97459, 541-756-8535, FAX 541-756-8544, planner@uci.net

**CITY COUNCIL
NOTICE OF DECISION
August 18, 2006**

AL PIERCE CO. PLAN AMENDMENT/ZONE CHANGE

This is to confirm that the City Council held a public hearing on this application at their regular meeting on Tuesday, August 8, 2006 in the City Hall Council Chamber. Two persons spoke in favor of the proposal, and no one spoke in opposition or otherwise.

Action: The Council closed their hearing and voted unanimously (6-0) to **ADOPT ORDINANCE NO. 1953 AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION AND THE ZONING MAP FOR CERTAIN PROPERTY DESCRIBED HEREIN, TEXT AMENDMENTS TO THE CITY COMPREHENSIVE PLAN, AND MAP AND TEXT AMENDMENTS TO THE COOS BAY ESTUARY MANAGEMENT PLAN WITHIN THE CITY LIMITS.**

The Commission relied upon the findings presented in the staff report and application, and the recommendation of the Planning Commission in making their recommendation to Council.

A copy of the adopted Ordinance No. 1953 is attached.

Further Information: Please contact David Voss, City Planner, regarding any questions or concerns at the address listed above.

David K. Voss, City Planner

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John Whitty, 1815 Cypress Dr, Coos Bay OR 97420
David R. Perry, DLCD, PO Box 451, Waldport, OR 97394-0451